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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/879,580      | 06/12/2001  | Naosumi Tada         | DKT00126            | 4790             |

7590 12/17/2003

Borg Warner Inc.  
Powertrain Technical Center  
3800 Automation Avenue, Ste. 100  
Auburn Hills, MI 48326

EXAMINER

CHARLES, MARCUS

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3682

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/879,580

Applicant(s)

TADA, NAOSUMI

Examiner

Marcus Charles

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 7-12 and 15-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 6, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is responsive to the Amendment and RCE filed 10-14-2003, which has been entered. Claims 1-18 are currently pending.

#### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: the filling date for the foreign application on which prior is claimed is June 13, 200 and the date on the declaration is Jun 12, 2000.

#### ***Claim Rejections - 35 USC § 103***

2. Claims 1, 5-6 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Baddaria and Shimaya et al.(5,184,982). Baddaria discloses a blade tensioner comprising a base (46) with a sliding face, a blade shoe (32) with a blade spring for applying a biasing force to the shoe and a first chain sliding face and a second opposing face, a first blade shoe portion (30) pivotally supported by the base (46), a second blade shoe portion (30) freely slidable relative to the base. Young does not disclose that the blade spring comprises a plurality of springs. Baddaria discloses a blade shoe comprising a plurality of springs in order to allow the shoe to deform more arcuately as the shoe is heated due to the friction by the chain (col. 1, lines 15-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the shoe of Young to include a plurality of springs in

view of Baddaria in order to allow the shoe to deform more arcuately as the shoe is heated due to the friction by the chain. In addition, Young does not disclose a friction surface between the second blade shoe portion and the sliding face of the base. Shimaya et al. discloses a tension comprising an arm/shoe combination and a friction surface (49) between the free end of the arm/shoe combination and a sliding surface (48). Shimaya et al. also discloses that the friction surface has a pair of anti-slip walls (51) in order to prevent inadvertent sliding thus allowing damping of the vibration of the tensioner. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the blade shoe of Young so as to include a friction surface in view of Shimaya et al. in order to prevent inadvertent sliding thus allowing damping of the vibration of the tensioner.

In claim 5, it would have been obvious to one of ordinary skill in the art to attach the friction surface by bonding, welding or coating, since it is old and well known in the art to such joining process as a matter of design choice.

In claim 6, discloses that the friction surface is made from synthetic resin.


In claims 13-14, the method steps are inherently included in the manufacturing of Young in view of Baddaria and Shimaya et al. device.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday -Thursday 7:30 am-600 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

  
Marcus Charles  
Primary Examiner  
Art Unit 3682  
December 08, 2003